



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,829	09/29/2000	Cathal McGloin	P-9683-US1	2975
49443 7590 09/03/2008 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
LE, LINH GIANG				
ART UNIT		PAPER NUMBER		
3626				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/672,829

Applicant(s)

MCGLOIN ET AL.

Examiner

MICHELLE LE

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to action filed 29 May 2007. Examiner apologizes for the delayed response. The response was misplaced on Examiner's docket and Examiner was not aware of the response until later. Claims 17-41 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 24-26, 28-30, 32, 35, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra (6119097) in view of Michelman (5,987,481).

4. As per claim 17, Ibarra teaches a computer system, comprising:
An employee setup mechanism to create a database record for an employee (Ibarra;
Abstract);

a data receive mechanism to receive data units from a given source and to store the received data units, the received data units as stored being associated with plural data unit types (Ibarra; Col. 5, lines 1-5 and Col. 6, lines 41-48);

Ibarra does not expressly teach:

a metric name input presenter preconfigured to present, on a computer screen, a metric name input field to receive from user input a flexible textual character term coining a name for a custom performance metric to be defined;

a data unit type input presenter preconfigured to present, on a computer screen, data unit type input fields corresponding to the new performance metric, to receive from user input selected type terms indicating select ones of the plural data unit types to be collected and used to formulate the custom performance metric;

an operator input presenter preconfigured to present, on a computer screen, an operator input field to receive from user input at least one defined mathematical operation to be performed on received and stored data units associated with the selected type terms in the formulation of the custom performance metric;

and a data association mechanism to associate the textual character term with the selected types and with the at least one defined mathematical operation.

However, these features are well known in the art as evidenced by Michelman. In particular Michelman teaches a spreadsheet application program such as Microsoft Excel (Michelman; Col. 7, lines 47-55). The information categories of information contained in a cell include data, labels, formulas and blanks. A label consists of text or alpha-numeric

characters. In Michelman Fig. 3, the label of "profit" reads on a "custom performance metric." The labels "January Sales" and "February Cost" read on a "data unit type" that is used in the formulation of the "custom performance metric." Michelman, Col. 8 lines 15-20, further teaches that formulas typically contain mathematical expressions containing operators (reads on "operator input presenter.") Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

5. As per claim 24, Ibarra teaches wherein the received data units are stored in a performance management database (Ibarra; Fig. 2 and Col. 6, lines 15-27).

6. As per claim 25, Ibarra teaches wherein the received data units are stored in a structured manner using one or more application programming interfaces (Ibarra; Fig. 2 and Col. 6, lines 15-27).

7. AS per claim 26, Ibarra teaches wherein the received data units are received in flat-file reports (Ibarra; Fig. 2 and Col. 6, lines 15-27).

8. Ibarra does not expressly teach the limitations of claim 28. However, this feature is well known in the art as evidenced by Michelson. In particular, Michelson teaches wherein the data configuration user interface comprises a graphical user interface (Michelson; Fig. 3). Since the claimed invention is merely a combination of old

elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

9. Ibarra does not expressly teach the limitations of claim 29. However, this feature is well known in the art as evidenced by Michelson. In particular, Michelson teaches wherein the graphical user interface comprises a Windows[™] based interface (Michelson; Col. 7, lines 33-46). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. As per claim 30, Ibarra teaches further comprising a performance data user interface to receive performance data from personnel within an organization (Ibarra; Fig. 2 and Col. 6, lines 15-27);

11. Ibarra does not expressly teach the features of claim 32. However these features are well known in the art as evidenced by Michelson. In particular, Michelson teaches wherein the performance data user interface comprises a graphical user interface (Michelson; Fig. 3). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. Claims 35, 37, 40 and 41 repeat substantially the same limitations as claim 17 and the reasons for rejection are incorporated herein.

13. Claims 18-23, 27, 31, 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra (6119097) in view of Michelman (5,987,481) in further view of Chang (6,308,178).

14. As per claim 18, Ibarra and Michelman do not collectively teach wherein the data receive mechanism comprises an integration engine. However, this feature is well known in the art as evidenced by Chang. In particular Chang teaches an end to end integration solution (Chang; Col. 2, lines 35-60). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

15. As per claim 19, Ibarra teaches wherein the data receive mechanism comprises a performance management system database (Ibarra; Fig. 2). Ibarra and Michelman do not expressly teach wherein the data receive mechanism comprises an integration engine. However this is well known in the art as evidenced by Chang. In particular Chang teaches an end to end integration solution (Chang; Col. 2, lines 35-60). Since the claimed invention is merely a combination of old elements, and in the combination

each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. Ibarra and Michelman do not expressly teach the limitations of claim 20. However these features are well known in the art as evidenced by Chang. In particular, Chang teaches wherein the data receive mechanism includes one or more application programming interfaces and an integration engine (Chang; Col. 2, lines 35-60). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

17. Ibarra and Michelman do not expressly teach the limitations of claim 21. However these features are well known in the art as evidenced by Chang. In particular, Chang teaches wherein the given source includes a source database (Chang; Fig. 2). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

18. As per claim 22, Ibarra teaches wherein the given source further includes a structured database of workforce manager that can produce reports on employee performance (Ibarra; Fig. 2).

19. Ibarra and Michelman do not expressly teach the limitations of claim 23. However these features are well known in the art as evidenced by Chang. In particular, Chang teaches wherein the given source comprises a source database of a third party system (Chang; Fig. 1).

20. Ibarra and Michelman do not expressly teach the limitations of claim 27. However these features are well known in the art as evidenced by Chang. In particular, Chang teaches wherein the data configuration user interface comprises a configuration functions mechanism and a user interface (Chang; Col. 5, lines 25-50). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

21. Ibarra and Michelson do not collectively teach the limitations of claim 31. However these features are well known in the art as evidenced by Chang. Chang teaches wherein the performance data user interface comprises an information management function mechanism and a user interface (Chang; Col.

5, lines 50-67). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

22. Claim 36 repeats the limitations of claim 23 and the reasons for rejection are incorporated herein.

23. Claim 38 and 39 repeat the limitations of claims 18 and 19 and the reasons for rejection are incorporated herein

24. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra (6119097) in view of Michelman (5,987,481) in further view of Official Notice.

25. As per claims 33 and 34, Ibarra and Michelson do not collectively teach wherein the graphical user interface includes an HTML user interface and wherein the performance data user interface receives performance data provided in real time via an HTML user interface in response to a request. Examiner takes Official Notice that an HTML user interface was old and well known in the art. HTML user interfaces are used so that a user can easily input HTML codes to produce a webpage. One of ordinary skill in the art would have been motivated to add the HTML user interface to allow users to code a page specifically using HTML codes.

Response to Arguments

26. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is (571) 272-8207. The examiner can normally be reached on 8:30 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Michelle Linh-Giang Le/

Examiner, Art Unit 3626

LLe

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3626